

APPEAL NO. 032286  
FILED OCTOBER 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 28, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to include a herniated disc at L3-4, a herniated disc at L4-5, a disc bulge at L5-S1, or degenerative disc disease. The claimant appeals, contending that the hearing officer's decision is not supported by sufficient evidence. The respondent (carrier) asserts that the evidence supports the hearing officer's decision.

DECISION

Affirmed.

The claimant had the burden to prove the extent of her compensable injury. Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. While the required medical examination doctor may not have had all of the claimant's initial medical records when he rendered his opinion that was adverse to the claimant, the treating doctor's opinion on causation appears to be based on a misunderstanding that the claimant was injured in a fall at work, which is not the case. According to the claimant, her injury occurred when she was attempting to close a heavy gate at work and she did not fall down when the incident occurred. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **GENERAL INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**LEON CROCKETT  
1600 NORTH COLLINS BOULEVARD, SUITE 300  
RICHARDSON, TEXAS 75080.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge